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MOLSON COORS BEVERAGE COMPANY USA LLC¹

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

JOSEPH WAGNER as an individual, on
behalf of himself, the general public and
those similarly situated,

Plaintiff,

v.

Molson Coors Beverage Company,
Defendant.

Case No. 3:21-CV-05461-WHO

**DECLARATION OF SOFIA COLUCCI
IN SUPPORT OF MOLSON COORS'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Date:
Time: 2:00 PM
Courtroom: 2

Action Filed: July 15, 2021
Judge: Hon. William H. Orrick

[Filed Concurrently with Notice of Motion and
Motion to Dismiss Plaintiff's Complaint;
[Proposed] Order re Motion to Dismiss; Request
for Judicial Notice; and [Proposed] Order re
Request for Judicial Notice]

¹ Molson Coors Beverage Company USA LLC was erroneously sued as Molson Coors Beverage Company.

DECLARATION OF SOFIA COLUCCI

I, Sofia Colucci, declare as follows:

1. I am over 18 years of age. I am currently the Vice President – Marketing, Miller Family of Brands, and was the Vice President of Innovations and subsequently the Vice President of North American Innovations at Molson Coors Beverage Company USA LLC (“Molson Coors”) during the times relevant to the development and initial commercialization of Vizzy Hard Seltzer, and, as such, I am authorized to make this Declaration. I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I could and would testify competently thereto. I make this Declaration in support of Molson Coors’s Motion to Dismiss Plaintiff Joseph Wagner’s Complaint, filed concurrently herewith.

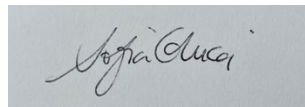
2. Molson Coors’s Vizzy Hard Seltzer product is an outgrowth of a program that Molson Coors started in May 2018 to focus on different types of alcoholic beverages that could distinguish over what was already in the market based on their ingredients. Molson Coors researched and developed a hard seltzer product with antioxidant vitamins as part of this initiative.

3. Molson Coors started testing potential brand names for the product in July 2019 and committed to use the “Vizzy” name in September 2019.

4. Vizzy was not in production or available in retail stores in 2018 or 2019. Molson Coors launched the Vizzy product nationwide in April 2020.

I declare, under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of September, 2021 at Chicago, Illinois.



Sofia Colucci